



TO: Members of the House Judiciary Committee
FROM: Shelli Weisberg, Legislative Director, ACLU of Michigan
DATE: December 4, 2014
SUBJECT: House Bill 5958 – Religious Freedom Restoration Act

ACLU of Michigan Position - Oppose

The Michigan Constitution and the First Amendment to the U.S. Constitution provide the necessary and appropriate protection for religious freedom. As such, we oppose HB 5958 – referred to as the Michigan Religious Freedom Restoration Act (HB 5958) - because it would allow individuals to use their religious beliefs to burden others.

The ACLU of Michigan firmly supports religious freedom. We have the absolute right to believe whatever we want about God, faith, and religion, and we have a right to act on those beliefs - that's why it is protected in the state and federal constitutions. Religious freedom, however, does not give any of us the right to harm others.

If passed, HB5958 would excuse any person, from any state or local law that they claim "burdens" their exercise of religion. This includes beliefs that do not stem from any established religion. Thus, any individual religious belief can determine which state and local laws a person chooses to honor.

The federal RFRA was enacted in 1993 to ensure that individuals were able to conform their own, independent, personal actions to their religious beliefs, not the actions of others. However, this statute has now been construed to do something not envisioned by the 1993 Congress or our founding fathers – allow individuals, organizations and certain corporations to compel unrelated third parties to act (or not act) according to that individual, organization or corporation's particular religious beliefs. Doing so is not only unfair – it has the unavoidable consequence of violating the third party's religious beliefs.

The balance struck by the two religious clauses in the First Amendment, a balance that RFRA sought to restore, is that individuals retain an unqualified right to believe what they want but that individual action must have limits in order to protect society as a whole. And one of the most important protections is ensuring that third parties are not adversely affected by, and/or forced in accordance with, another's religious beliefs. The First Amendment guarantees this protection. The State must not take it away.

Other states with similar legislation have born witness to the great harm that can be inflicted on third parties when individuals and groups are able to lay claim that any local or state laws burden their exercise of religion.

Religious freedom is fundamental to personal liberty, but the right to act on ones beliefs is not absolute. It is not a free pass to ignore the law or violate the basic civil rights of others. It never has been. We strongly oppose this measure and urge our elected officials to reject HB 5958.

Shelli Weisberg, Legislative Director
ACLU of Michigan
248-535-7112
sweisberg@aclumich.org